

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

SEP 13 1991

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Dated 9/17/91
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History

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DEC - 4 1991

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
IN REPLY REFER TO:

CN910170

RM-7617

Mr. Mark A. Stachiw, Esq.
Attorney for PacTel Paging
Three Forest Plaza
12221 Merit Drive
Suite 800
Dallas, Texas 75251

Dear Mr. Stachiw:

This responds to the Petition for Rulemaking you filed on behalf of PacTel Paging requesting the Commission to allocate the 930-931 MHz band to advanced architecture paging (AAP).

On January 23, 1991, Telocator filed a Petition for Rulemaking that requests the Commission allocate the 930-931 MHz band for an advanced messaging service (AMS). The Commission accepted the petition, RM-7617, and requested comment on it by Public Notice (February 7, 1991). The issues raised by your petition already are before the Commission in this proceeding. The public interest will be best served by a single record that addresses all aspects of advanced technology paging. Therefore, I am denying your petition without prejudice but accepting it as a late-filed comment to RM-7617.

Your request for a pioneer's preference will be considered on its own merits. Based upon our preliminary review, your preference request appears to meet the procedural requirements specified in the Report and Order in GEN Docket No. 90-217 (FCC 91-112, May 13, 1991). Specifically, there is an ongoing proceeding, RM-7617, and you applied for experimental licenses (FCC File Nos. 1658, 1659, 1660, 1661, and 1662 -EX-PL-90) detailing your proposed AAP service prior to July 30, 1991.

Accordingly, your petition IS DENIED pursuant to the authority delegated to the Chief Engineer by Section 0.241 of the Commission's Rules, 47 C.F.R. Section 0.241. A copy of your petition will be included in the public record of RM-7617.

Sincerely,



Thomas P. Stanley
Chief Engineer